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(8/88)FILED BY JE D.C.

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United States District Court
for
Western District of Tennessee

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

U.S.A. vs. Barry Ferguson**Docket No. 04-20289-001-B****Petition for Action on Conditions of Pretrial Release**

COMES NOW PRETRIAL SERVICES OFFICER Jake N. Bookard, II presenting an official report upon the conduct of Barry Ferguson who was placed under pretrial release supervision by the Honorable Diane K. Vescovo sitting in the court at Memphis, TN, on the 21st day of July, 2004 under the following conditions:

1. Report as directed by the Pretrial Services Office
2. Refrain from possessing a firearm, destructive device, or other dangerous weapon
3. Refrain from any use or unlawful possession of a narcotic drug or other controlled substance
4. Submit to any method of testing required by the Pretrial Services Office for determining whether the defendant is using a prohibited substance
5. Participate in a program of inpatient or outpatient substance abuse testing, education, or treatment if deemed advisable by Pretrial Services

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE AS FOLLOWS:

Defendant Ferguson failed to attend his intake assessment at Pathways of Tennessee Inc. on August 9, 2005. On August 12, 2005, Mr. Ferguson submitted a urine screen that tested positive for marijuana. As previously reported, Mr. Ferguson tested positive for marijuana on urine screens submitted August 27, 2004, April 8, 2005, and July 8, 2005. On August 27, 2004, the defendant tested positive for cocaine. Mr. Ferguson's positive test results were confirmed by Kroll Laboratories. **The above is in violation of the defendant's condition of release to participate in a program of inpatient or outpatient substance abuse testing, education, or treatment if deemed advisable by Pretrial Services and his condition to refrain from any use or unlawful possession of a narcotic drug or other controlled substance.**

PRAYING THAT THE COURT WILL ORDER ISSUANCE OF A WARRANT CHARGING THE DEFENDANT WITH VIOLATING THE CONDITIONS OF PRETRIAL RELEASE

BOND RECOMMENDATION: NONE

ORDER OF COURT

Considered and ordered this 26th
day of August, 2005 and ordered
filed and made a part of the records in the above
case.

Diane K. Vescovo

U.S. Magistrate Judge

I declare under penalty of perjury that the
foregoing is true and correct.

Executed on August 24, 2005

J. N. Bookard, II
U.S. Pretrial Services Officer

Place Memphis, TN

This document entered on the docket sheet in compliance
with Rule 55 and/or 32(b) FRCP on 8-29-05

(55)



Notice of Distribution

This notice confirms a copy of the document docketed as number 55 in case 2:04-CR-20289 was distributed by fax, mail, or direct printing on August 29, 2005 to the parties listed.

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Honorable J. Breen
US DISTRICT COURT